RAJYA SABHA

Monday the 20th March, 1995/29th Phalguna, 1916 (Saka)

The House met at eleven of the clock, **Mr. Chairman** in the Chair

ORAL ANSWERS TO QUESTION

*81. [*The Questioner* (*Shri Yera Narayanaswamy*) *was absent. For answer* vide *col.* infra.]

Un Committee on rights of the Child

*82. SHRI GUNDAPPA KORWAR: Will the Minister of LABOUR be pleased to state:

(a) whether Government are required to submit its report to the UN Committee on Rights of the Child in early 1995 on the state of Children's rights and measures adopted to conform to the Convention on the Rights of the deous occupations?

(b) if so, whether Government contemplate enacting necessary laws to protect the rights of the children and particularly to ban child employment in hazardous occupations?

THE MINISTER OF LABOUR (SHRI P.A. SANGMA): (a) and (b) A statement is laid on the Table of the House.

Statement

(a) and (b). Yes, Sir. According to information received from the Ministry of Human Resource Development (Department of Women and Child Development), as per requirement of Article 44 (a) of UN Convention on the Rights of the Child, India,s initial report as a State Party to the Convention became due on 10-1-1995 (i.e. after two years of India accession to UN Convention on the Rights of the Child). India's report on the UN Convention on the Rights of the Child is presently under preparation in consultation with the concerned Ministries/Departments. All the concerned Ministries and Departments have been addressed by the Ministry of Human Resource Development (Department of Women and Child Development) review and amend the existing laws/ legislations relating to children to conform to the Convention on the rights of the Child.

Parts A and B of the Schedule of the Child Labour (Prohibition and Regulation) Act, 1986 contain the occupations and processes where the employment of children below the age of 14 is prohibited. The Child Labour Technical Advisory Committee, Constituted under Section 5 (1) of the Child Labour (Prohibition and Regulation) Act, 1986 advises the Government for the purpose of additions of occupations and processes to the Schedule. On the advice of this Committee, the Central Government has made further additions to the Schedule to this Act. Parts A and B to the Schedule to the Act incorporating the addition made is annexed as Statement I. (*See* below). Government are also considering to amend the Child Labour (Prohibition and Regulations Act, 1986 to make it more effective.

In addition to the above, to safegaurd the interests of Children, there are protective provisions in various labour laws as well such as the Factories Act, 1948, the Mines Act, 1952, the Motor Transport (Workers) Act, 1961 etc The approach of the Government is to implement all the child-related provisions of the laws in a harmonious fashion Enforcement machinery at the Central and State level exist to enforce the provisions of these Acts. Employers are liab'e to be prosecuted for violations of the provisions of the Acts. Enforcement personnel are being given special training for better enforcement of these laws. So, no separate comprehensive legislation is required.

Statement

The SCHEDULE

(*See section* 3)

OCCUPATIONS:

Any occupation connected with—

(1) Transport of passengers, goods or mails by railway;

(2) Cinder picking, clearing of an ash pit or building operation in the railway premises;

(3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;

(4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines:

(5) A port authority within the limits of any port;

*(6) Work relating to selling of crackers and fireworks in shops with temporary licenses.

(7) Abattoirs/Slaughter Houses.

(B)

PROCESSES:

(1) Bidi-making.

(2) Carpet-weaving.

(3) Cement manufacture, including bagging of cement.

(4) Cloth printing, dyeing and weaving.

(5) Manufacture of matches, explosives and fire-work.

(6) Mica-cutting and splitting.

(7) Shellac manufacture.

(8) Soap manufacture.

(9) Tanning

(10) Wool-cleaning.

(11) Building and construction industry.

*(12) Manufacture of slate pencils (including packing).

*(13) Manufacture of products from agate.

*(14) manufacturing Processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.

(15) "Hazardous processes" as defined in section 2 (cb) and 'dangerous operations' as notified in rules made under section 87 of the Factories Act, 1948 (63 of 1948).

**(16) Printing as defined in Section 2(K)(iv) of the Factories Act, 1948 (63 of 1948).

(17) Cashew and Cashewnut descaling and processing.

*(18) Soldering processes in electronic industries.

श्री गुंडप्पा कोरवार : चेयरमैन साहब मैंने सवाल किया था कि, क्या सरकार बच्चों के अधिकारों के संरक्षण और विशेषकर खतरनाक व्यवसायों में बच्चों के नियोजन पर रोक लगाने के लिये आवश्यक कानून बनायेगी या नहीं और सरकार ने जवाब में बताया है कि "We are also considering to amend the Child Labour (Prohibition and Regulation) Act, 1986 to make it more effective." तो मैं सरकार से यह जानना चाहता हूं कि यह कानून कब बनेगा और इसका इम्प्लीमेंटेशन कब होगा क्योंकि यह सवाल मुल्क के बच्चों से जुड़ा है, चाइल्ड लेबर का यह सवाल है, एक इंसानी सवाल है और यह एक खतरनाक और बहुत ही बे-एजाजी सवाल है। इसके लिये

*Ins. by Notification No. S.O. 404 (E) dated the 5th June, 1989 published in the Gazette of India, Extraordinary.

**Ins. by Notification No. S.O. 263 (E) dated 29th March, 1994 published in the Gazette of India, Extraordinary.

सख्ती से काम लेना जरूरी है । मैं जानना चाहता हूं कि यह कानून कब बनेगा और जो एम्प्लायर्स कानून का वायलेशन करते हैं, क्या उनके खिलाफ सख्ती से कार्यवाही होगी ? अगर यह कार्यवाही की गयी है तो कितने एम्प्लायर्स के खिलाफ की गयी है, यह जानकारी मैं सरकार से चाहता हूं ?

SHRI P. A. SANGMA: Sir, as of today, we already have 15 Central legislations dealing exclusively with children. Besides these legislations, we also have general legislations like the Factories Act, the Mines Act, the Plantation Act, etc., which also contain provisions regarding conditions of employment of children. So, there is no dearth of legislations in our country and it is because we have enough legislations that we were in a position to ratify the Convention on Rights of the Child. It is being examined now whether there is any further necessity for enactment of new legislations or effecting modifications in the existing legislations on the lines of the Convention. The Ministry of Human Resource Development has asked for comments from all the Ministries. The comments have been furnished by all the Ministries. They are processing these and it is only after processing of these comments from various Ministries that we will be able to know whether a fresh legislation is required or a modification of this legislation is required.

श्री गुंडप्पा कोरवार : मेरा दूसरा सप्लीमेंटरी, सर साहब, यह है कि यह जो कानन बनायेंगे, उसका इम्प्लीमेंटेशन होगा लेकिन हम यह देख रहे हैं कि चाइल्ड लेबर का सवाल न सिर्फ फैक्टरी की हद तक है या अर्बन एरिये की हद तक है बल्कि यह सवाल गांव तक भी है । गांवों में बहुत से बच्चे, जो 14 साल के अन्दर हैं, वहां किसी के पास जानवर चराने की नौकरी करते हैं या खेतों में किसी के लिये काम करते हैं तो मैं यह जानना चाहता हूं सरकार से इस दिशा में, कि जो गांव में बच्चे हैं, जिनसे काम लिया जाता है, जो उनसे काम लेने वाले हैं, उस सिलसिले में सरकार क्या कदम उठाने जा रही है ?

SHRI P. A. SANGMA: Sir, the policy of the Government is very clear. The Child Labour (Prohibition and Regulation) Act, 1986 clearly stipulates that child labour will be regulated in certain areas and it will be prohibited in hazardous areas. As far as the question of elimination of child labour in hazardous industries is concerned, we have now taken a policy decision to make a serious attempt to eliminate child labour in hazardous industries within a period of five years, that is, by 2000 A.D. This policy was announced by the Prime Minister himself on the 15th of August, 1994, when he was addressing the nation. On the basis of the announcement of the Prime Minister, the National Authority on Elimination of Child Labour has already been constituted. In order to formulate a final programme of action, we had regional meetings of the eastern region, North-Eastern region, northern region and the southern region. The meeting of the western region is yet to take place. I hope that the meeting will be convened in the next month. So, we are consulting the State Governments because this has to be a joint effort of the Centre and the respective State Governments. I am very happy to report to the House that the State Governments are taking very keen interest and positive steps towards that.

SHRIMATI KAMLA SINHA: The questioner in his Question and his supplementary had asked as to what was happening about child labour in hazardous industries. The Minister has very cleverly avoided the answer.

I would like to know from the Minister as to what is being done about the protection of child labour in hazardous industries like chemical industry, fireworks industry at Sivakasi glass-works industries, slate industries, mining and quarries. I know that there are the Factories Act and the Mines Act, but there have been flagrant violations of these Acts. So, what is happening there? Are these laws being implemented? What are you doing about it? Children are being exploited in fireworks industry at Sivakasi and other areas, in slate and stone-quarrying industries—not actually in iron

ore mining, but in these industries. What are you doing about it?

SHRI P. A. SANGMA: Sir, according to the National Sample Survey organisation of the Planning Commission, the total number of child labour in this country is around 17 million. Out of 17 million, the number of children who are working in the hazardous industries is 2 million, that is, 20 lakhs. It is the employment of this category of children who are working in the hazardous industries, which we have taken as the target group to be eliminated within a period of five years. The money which has been made available, very kindly, by the Prime Minister is Rs. 850 crores and Rs. 850 crores is a good money. As I said earlier, we are drawing up a programme of action in consultation with the respective State Governments, actually, not all the State Governments, because the concentration of child labour in hazardous industries is confined to mostly seven major States. I had taken a meeting with the Labour Ministers of these seven States. As I have stated, I have also taken regional meetings in this regard. The point, Sir, is that it may not be very difficult to withdraw the children from these industries. We can implement the law strictly and withdraw the children. But the point is where these children will go, unless we are able to make an alternative arrangement for them and that alternative arrangement is education. So, as on today, we are planning to set up about 15,000 schools and once we are able to set up these schools we will be able to rescue these children and put them into education. We have, along with education, health programme, nutrition programme and also stipend so that the families do not lose the income which they had been having up till now. Sir, our policy is not only to tackle the children who are working, but we are also trying to identify their families. The process of identification has already started. We are identifying the families State-wise block-wise. The identification is going on, computerisation is going on, because once a child is rescued we also want to provide an alternative means of earning and employment to the parents. Unless that is done the parents will again send back their children to that kind of work. All these things are being finalised.

SHRIMATI KAMLA SINHA: How many families have been identified up till now?

SHRIMATI JAYANTHI NATARAJAN: Sir, the hon. Minister has said that the Planning Commission's estimate of the number of children engaged as child labour for the whole country was 17 million. Sir, if I am not mistaken, that figure relates to 1981. The figure, surely, must be much higher now. My point is that this only takes into account the wage labour. There is the domestic sector where children are engaged, more than two million children are engaged. In the unorganised sector, children are engaged in the house-hold work. All these sctors have not been taken into consideration. My question is, if you take all these sectors into consideration then how many children actually are in the labour force of the country, particularly in the unorganised sector?

Sir part (b) of my question is that the Minister has specifically confined himself to elimination of child labour from hazardous employment. Sir, that is not enough. Item 18 of the United Nations Rights of the Child Declaration, Clause 138 of the ILO Convention, the Directive Principles of State Policy, non of these confines itself only to hazardous employment. They expand themselves to include children in any kind of labour so that the rights of the child is protected and the child can have proper education. Sir, I had asked the Minister before also and the Minister said that economic necessities force these children to work. So, my specific question is that it is a curious argument to say that starvation is the alternative to work for child labour because the moment they are 15 years old they are immediately terminated from their employment. Sir, I want to know what steps are being taken to totally prohibit child

labour rather than still talk about regulating child labour just in hazardous industries.

SHRI P. A. SANGMA: Sir, the number of 17 million that I have given includes all categories of child labour including home workers, agricultural labourers and, in fact, the figure is not based on 1981 Census. It is the latest figure of the 1991 Census and the Census has gone into all types of occupations that children do. Therefore, this figure includes all categories. That is number one.

Number two, I agree with the hon. Member that what we are doing is not enough. Our policy is to eliminate child labour from all the areas, but we are going to do it progressively. I will be telling you an impossible thing if I say "Yes", child labour can be eliminated overnight." I do not think it is possible. There are various factors. While admitting that what we are doing is not enough, I think it is a good beginning where the Central Government and the respective State Governments have taken up the programme in a very determined manner. Sir, our policy ultimately is to progressively eliminate the child labour. But, for the time being, we are going to tackle the problem of child labour employed in hazardous occupations.

SHRIMATI JAYANTI NATARAJAN: Sir, the Planning Commission figure of 1981 is 17.4 million. How can it be the same in 1991?

SHRI P. A. SANGMA: I will check it up and give a correlt figure. But this is what I remember.

SHRI ASHOK MITRA: Everything is possible in the stagnant economy!

SHRI RAM JETHMALANI: Sir, I am afraid, the answer given by the Minister really does not bring credit to the Government. Only the other day there was a long telecast either on the BBC or the CNN, which I forgot. Anybody who saw the manner in which the callous employers are exploiting child labour would agree that it draws not only tears from your eyes but also lets your head hang down in shame. But, the Ministers do not see this kind of telecasts. Sir, I want to ask: What is the point in saying "we are beginning to do this"? This legislation is not of 1986. There have been many kinds of legislations for the same thing from 1951-52. I want to know, first of all, whether you have found out as to how many employees are guilty. Have you ever prosecuted any one successfully? Have you brought any conviction to anybody? How many persons have been sent to jail for the offence? Sir, no one. From 1986 you had this legislation. What have you done so far? Have you appointed inspectors to go to these factories to look for themselves? If the BBC and CNN can find out that the law has been violated, why are you not able to find out? I want to know, Sir: Will the Minister apply his mind to this? More laws, still more laws is not the solution. The solution is only honest, vigorous law-enforcement, and that is lacking. Will he look into the corruption which prevails in the enforcement machinery?

SHRI P. A. SANGMA: I fully agree with the Member that enforcement is the answer. As I said, we are doing that. As far as the assessment of those who are employing child labour in hazardous industries is concerned, it is being carried out by the Ministry of Rural Development. Areas have already been identified as far as the hazardous industries employing child labour is concerned. As the hon. lady Member has earlier pointed out, the areas of child labour concentration are in the match industry, fireworks industry, glass industry, carpet industry, gem polishing industry and diamond polishing industry, and they have been identified. On the basis of that, as I have said, Sir, we have formulated a programme of action by the national authority with the co-operation of the State Governments. I do not want to claim it now, but within five years, the House will be able to see the change in the country.

THE CHAIRMAN: Question No. 83, Shri Ghufran Azam.

*83. [The Questioner (Shri Ghufran Azam) was absent For answer vide Col. .....infra]

Coal price fixation by BICP

*84. SHRI PARMESHWAR KUMAR AGARWALLA: Will the Minister of COAL be pleased to state:

(a) whether it is a fact that after abolition of the then Coal Board, after nationalisation of the coal industry, the price of coal is being reviewed and fixed by the Bureau of Industrial Costs and Prices (BICP);

(b) whether BICP has submitted its final report, if not, what are the details of the interim report submitted by it;

(c) what are the parameters followed by the BICP in fixing and reviewing the coal prices; and

(d) how far these parameters are objectively followed in reviewing and fixing of the prices from time to time?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI AJIT KUMAR PANJA): (a) In December 1981, the Government asked Bureau of Industrial Costs and Prices (BICP) to undertake a comprehensive study of coal industry including coal prices. The report of the study was made available in 1983. Prices of coal were revised in 1984 in accordance with the recommendations of BICP. BICP undertook a second study of coal industry in 1985 and coal prices from 1987 onwards are being revised in accordance with the recommendations of this second study report.

(b) to (d) A Statement is laid on the table of the house.

Statement

(b) No. Sir. BICP have undertaken their third comprehensive study of the coal industry since 1991 on various aspects including pricing of coal. Their interim recommendations, received in 1992 mainly related to coal pricing besides grading, environmental problems etc.

(c) and (d) The main cost components considered by BICP in their last report for fixation of coal prices include wages, costs of inputs, interest, depreciation and pre-tax return. Changes in these cost-components have been linked to various indices or actuals for working out increases in coal prices and as such the increases are based on objective criteria.

SHRI PARMESHWAR KUMAR AGARWALLA: Mr. Chairman, Sir, I am grateful to you for admitting this question which is so vital for the Indian economy. I had asked an Unstarred Question, No. 296 on 6.12.1993, on this subject. The reply was absolutely avasive. Then, I asked another Question No. 759, on 1.8.1994. In reply, it was admitted that retired officers of Coal India were advisers to the Bureau of Industrial Costs and Prices (BICP) in the fixation of coal prices. However, my request for a copy of the interim recommendation of the BICP was refused on the grounds that it was a sensitive subject. Sir, I do not understand what is the sensitiveness in a report on fixation of coal price in a regime of open economy in our country, particularly when the subject was referred to on the floor of the House itself. Therefore, I ask my first question to the hon. Minister. It appears that fixation of coal price is a manipulated affair keeping enough margin of profit. Otherwise, how is Coal India making so-called profits during the last two years even with a shortage of coal stock of approximately 25 million tonnes worth Rs. 1000 crores approximately, out of a total stock of 50 million tonnes worth Rs. 2000 crores?

SHRI AJIT KUMAR PANJA: As far as part (a) of the question is concerned in December 1981 the Government asked the Bureau of Industrial Costs and Prices, BICP, to undertake a